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currently, as at this school, instead of the former Columbia method of taking up one subject until finished and then passing on to the next.

The New York Law School, on the other hand, has been organized this year with a view to perpetuating the old Columbia or so-called "Dwight" system of instruction (which is little more than the discarded Harvard method as pursued by Professors Parsons, Washburn, and others). Its dean is Professor Chase, late of Columbia, and its faculty is composed of the instructors who were associated with Professors Dwight and Chase. The school is situated in the Equitable Building, in the business centre of the city, with the various courts near at hand, in the midst of many law offices, and having access to the law library in the building, comprising about thirteen thousand volumes — a library a little more than half the size of the Columbia law library. The course is to cover two years, and is so arranged that members of the school can spend each morning or afternoon in a law office, and this they are distinctly encouraged to do. Text-books will be used entirely, with occasional references to cases by way of illustration. Here, as formerly at Columbia, each subject will be studied until completed, when the next subject will be taken up, and so on to the end of the year. The aim of this school is to give a thorough, practical legal education, to enable a man, at the end of two years, to pass his bar examinations, and enter on the practice of his profession. The theory, history, and science of the law are disregarded, as being rather food for the jurist than for the practical lawyer.

A discussion of the comparative merits of these two most opposite methods would be unprofitable. Imbued as we are at this school with the methods and ideas to which Professor Langdell has given his name, our sympathies must naturally be with Professor Keener and his work. Whatever may be the advantages of the system adopted by the New York Law School, experience has shown that in the long run the thorough, systematic study of legal principles which the Langdell method requires fully as well enables its votaries to cope with the serious problems of the law.

LEGAL DETRIMENT IN CONTRACTS. — The Court of Appeals of New York has lately rendered a decision in the case of *Hamer* v. *Sidway*,[1] reversing a decision of the Supreme Court. The facts of this case briefly were that the defendant's testator offered to the plaintiff the sum of five thousand dollars, if he would refrain from smoking and drinking liquor until he became of age. The plaintiff performed the condition and, after asking for the money, brought this action. The Supreme Court decided in favor of the defendant, on the ground that the plaintiff had incurred no detriment, it being no disadvantage to refrain from habits which "are not only expensive but unnecessary and evil in their tendency." When the decision was reported, the REVIEW, Vol. 4, page 237, pointed out that the court had misunderstood the meaning of the term "legal detriment." We contended that the term meant the giving up of a legal right, and that the plaintiff had done this. The judgment of the Court of Appeals is based on this definition. Parker, J., speaking of the defendant's contention that the plaintiff incurred no detriment, as what he did was really beneficial to him,

[1] 124 New York, 538.

said: "Such a rule could not be tolerated, and is without foundation in the law. . . . In general, the waiver of any legal right at the request of another party is a sufficient consideration for a promise." It is satisfactory to notice that the attempt to narrow the meaning of the term "detriment" has been so decidedly overruled.

THE RIGHT TO PRIVACY. — In the article by Messrs. Warren and Brandeis on the Right to Privacy, published in this REVIEW last December, after a sketch of the many fictions and fewer open extensions by which the courts have met the modern demand for protection to the more ideal and intangible interests of the individual, the authors say:

"If the invasion of privacy constitutes a legal *injuria*, the elements for demanding redress exist, since already the value of mental suffering, caused by an act wrongful in itself, is recognized as a basis for compensation.

"The right of one who has remained a private individual to prevent his public portraiture presents the simplest case for such extension."

In Judge O'Brien's decision given last month, in the case of *Schuyler* v. *Curtis, Donlevy and others*, this hinted prophecy has its fulfilment. Mrs. George Schuyler, though largely interested in private charities, had never in any way entered public life. On her death, some zealots known as the "Woman's Memorial Fund Association" undertook to commemorate her good deeds by a statue of her, to be designated "The Typical Philanthropist," and placed in Chicago in '93 as a companion piece to a bust of the well-known agitator, Susan B. Anthony, to be called "The Typical Reformer." The action to prevent the intended celebration was brought by Mrs. Schuyler's nephew, in behalf of all her nearest relatives.

Judge O'Brien grants the injunction strictly on the ground that Mrs. Schuyler had never acted in other than a private character, and that such a person has rights which are lost by any one voluntarily entering public life. That no reported decision has hitherto gone so far in protecting the right to privacy Judge O'Brien freely recognizes; but he feels that the tendency to extend the law in the direction of affording the most complete redress for injury to individual rights makes the new step an easy one.

To believers in the practical utility of an increased scientific study of the general theories of law it will be interesting to notice that Judge O'Brien quotes at marked length from the article of Messrs. Warren and Brandeis, which he calls "an able summary of the extension and development of the law of individual rights, which well deserves and will repay the perusal of every lawyer," and which seems to be almost the basis of his decision that the right to which recent cases have been more and more, under various names, giving protection is the right to privacy.[1]

REVERSAL OF DECISION IN WATUPPA POND CASES. — It is interesting to note that the decision in the Watuppa Pond cases has been reversed on a rehearing. These cases, which were decided by the Supreme Court of Massachusetts in 1888, reported in 147 Mass. 548, are of great interest. The point decided — by a bare majority of four

[1] See 4 Harv. L. R. 193.